



June 21, 2018

**CHRISTOPHER P. RIDOUT**

Admitted in California

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***Via ECF***

REPLY TO LOS ANGELES

The Honorable Vince Chhabria  
United States District Court for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

**RE:** *In re: Facebook, Inc., Consumer Privacy User Profile Litigation, Case No. 18-md-02843-VC*

Dear Judge Chhabria:

I respectfully submit this leadership application pursuant to the Court's June 7, 2018 Pretrial Order No. 1. My law firm, Zimmerman Reed, and I represent plaintiff Matthew Bouillon in this MDL litigation and request consideration for appointment as lead counsel on behalf of Plaintiffs in the above-captioned action. Alternatively, if the Court chooses not to select Zimmerman Reed as lead counsel, I respectfully request an appointment to a Steering or Executive Committee, or any other capacity the Court deems appropriate. Attached in support of this application are Exhibit "A," an abbreviated firm resume, and Exhibit "B," a list of counsel who support my appointment.

Zimmerman Reed is qualified and well-suited to serve in a leadership role and would welcome that opportunity in this important case. As set forth below, and in the attached firm resume, Zimmerman Reed possesses significant MDL and leadership experience; to that end, the firm has been appointed lead counsel in numerous complex MDL cases in various districts across the country. Further, we are familiar and friendly with many of the law firms representing plaintiffs in this litigation. Those relationships will serve us well in serving as a leader in this litigation.

### **1. Zimmerman Reed's Knowledge and Experience in Prosecuting Complex Litigation**

For more than 30 years, Zimmerman Reed has been nationally recognized for its experience and ability in complex litigation, and has been appointed lead counsel in numerous complex cases across the country, including numerous data breach actions. The firm has led ground-breaking cases concerning a wide range of legal issues involving privacy issues, publicity rights, securities fraud and corporate governance, consumer fraud, mortgage fraud, defective drugs and medical devices, environmental contamination, employment benefits, sports-related concussion injuries, and, specifically pertinent to this litigation, personal data security.

Since 2010, Zimmerman Reed has earned a first-tier "Best Law Firm" ranking by U.S. News & World Report. With offices and attorneys in Los Angeles, Minneapolis, and Phoenix, the firm has the ability to devote skilled lawyers and the resources necessary for the successful prosecution of complex litigation such as the case at bar. As shown by the attached resume, Zimmerman Reed lawyers have been appointed Lead or Liaison Counsel in some of the largest and most complex cases across the country.

Of particular note, in the landmark data breach class action, *In Re Target Corporation Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.), Zimmerman Reed served as lead counsel for financial institutions seeking

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recovery and achieved the first-ever certified class in a data breach action. The Honorable Paul A. Magnuson presided over that matter and can be reached at (651) 848-1150. The case resulted in a substantial financial settlement, which recently received final approval from Judge Magnuson, without objection.

Regarding my personal credentials, I have been instrumented in the leadership of numerous high-profile class action lawsuits that have changed industries and resulted in significant awards. Recently, in *Eck v. City of Los Angeles, et al.*, No. BC577028 (Super. Ct. of Los Angeles Cty., Cal.), I was appointed co-lead counsel after obtaining preliminary and final approval of a settlement providing \$295 million in cash and savings to class members. In *Eck*, I personally oversaw discovery and settlement negotiations which required the deciphering of numerous sophisticated rate ordinances and schedules implemented and utilized by the Los Angeles Department of Water and Power in order to establish liability and damages.

In *In Re: Experian Data Breach Litigation*, No. 8:15-cv-01592 (C.D. Cal.), I was appointed to the Executive Committee by the Honorable Andrew J. Guilford in a contested motion and hearing pursuant to Fed. R. Civ. P. 23(g). Significantly, appointed lead counsel specifically requested my personal involvement in the protracted negotiations which resulted in a large settlement involving complex data breach claims.

Finally, in *In Re: Apple Inc. Device Performance Litigation*, No. 5:18-md-02827-EJD (N.D. Cal.), I was recently appointed to the Executive Committee by the Honorable Edward J. Davila and specifically selected as co-chair of the committee responsible for overseeing discovery efforts related to the development of the subject iPhone and iOS system.

As the attached resume indicates, other Zimmerman Reed partners have been appointed to leadership positions in MDLs and other complex cases across the country. These appointments have involved partners across the firm in various practice areas. Zimmerman Reed has advocated strongly for its clients in these cases while also demonstrating its ability to work in a professional and collegial manner with other plaintiffs' counsel as well as opposing counsel. In addition to those appointments set forth in Exhibit "A", Zimmerman Reed partners have been honored by the following appointments:

- Charles Zimmerman, Gordon Rudd, and Brian Gudmundson served as class counsel and principal litigation attorneys. *Dryer et al. v. National Football League*, 09-cv-2182 (D. Minn.) (Magnuson, J., (651) 848-1150);
- Carolyn Anderson, served as co-lead counsel. *City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A.*, No. 10-4372 (D. Minn.) (Frank, J. (651) 848-1290);
- Carolyn Anderson and June Hoidal, currently appointed Special Assistant Attorney General to represent the State of New Mexico in an antitrust and unfair business practices case against credit card networks. *New Mexico ex rel. Balderas v. Visa, Inc. et al.*, No. D-101CV-2014-02645 (Santa Fe Cty., First. Jud. Dist.);
- Carolyn Anderson and June Hoidal, currently serving as co-lead counsel. *Adedipe v. US Bank Nat'l Assoc., et al.*, 13-cv-02687 (D. Minn.) (Ericksen, J. (612) 664-5890);
- Carolyn Anderson, currently serving as co-lead counsel of derivative litigation. *In Re Regions Morgan Keegan Securities, Derivative and ERISA Litigation (Landers v. Morgan Asset Mgmt.)* (W.D. Tenn.) (Mays, J. (901) 495-1200); and
- Charles Zimmerman, served as co-lead counsel. *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation*, MDL 1708 (D. Minn.) (Frank, J. (651) 848-1290).

I believe this sampling of cases, in addition to numerous past leadership roles, reflects the firm's strong leadership capabilities, diversity, and the high quality of its attorneys, including those who will be active in this case.

## **2. Willingness and Ability to Commit to this Litigation**

Zimmerman Reed and I are ready, willing, and able to commit to this important, time-consuming litigation. We will devote the firm's full resources to this matter.

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**3. Willingness and Ability to Work Cooperatively**

In addition to the experience and financial resources necessary to litigate this case, Zimmerman Reed attorneys, as a matter of institutional principle, bring the right temperament to effectively prosecute the cases we bring. Despite the contentious nature of litigation, Zimmerman Reed has a reputation for working collegially and respectfully with co-counsel, opposing counsel, and the Court. The lessons learned from past leadership roles—judicial communication, party temperament, and meaningful cooperation among all counsel—will be key to successful leadership in this action.

The attorneys at Zimmerman Reed are grateful for the recognition the firm has received from the bench and bar and are dedicated to continuing to earn the respect and trust of the courts in which we appear. We share a commitment to litigating cases efficiently, with the right attorneys contributing to the right tasks, and with dedication to honest and fair litigation. We will demonstrate efficiency in all aspects of litigating this case.

We embrace our obligation as officers of the court to fulfill the duty of civility in every aspect of the litigation. This includes respect for both our opposing counsel and their client's stature as an employer and corporate citizen. We believe these commitments will be especially important in this matter of national importance to consumers as well as the technology industry.

**4. Access to Sufficient Resources to Prosecute the Litigation in a Timely Manner**

Zimmerman Reed has ample resources, both in terms of personnel and funding, to litigate this case in a timely and efficient manner. In addition to me, the firm will draw on a group of seasoned, knowledgeable attorneys who have already been involved in this litigation. The firm regularly serves in leadership roles in cases of this magnitude and complexity. Zimmerman Reed is confident that it can serve as a valuable asset in the efficient and effective prosecution of this litigation.

**5. Fee Proposal**

Zimmerman Reed joins in the fee proposals submitted by those counsel listed in Exhibit "B." Importantly, as lead counsel, Zimmerman Reed was instrumental in implementing caps on hourly fees, monthly time submissions, and other efficiency measures in the Target Data Breach litigation, which we believe satisfied the Court's desires for the effective management and administration of that MDL.

Very truly yours,

ZIMMERMAN REED LLP



Christopher P. Ridout

CPR/

Enclosures as noted